United Nations S/AC.49/2014/6

Security Council

Distr.: General
23 June 2014

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 23 June 2014 from the Permanent Mission of Denmark to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Kingdom of Denmark to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit a report on the concrete measures taken by the Government of Denmark to implement the provisions of Security Council resolution 2094 (2013), in accordance with paragraph 25 of that resolution (see annex).

14-56064 (E) 030714

Please recycle

Annex to the note verbale dated 23 June 2014 from the Permanent Mission of Denmark to the United Nations addressed to the Chair of the Committee

Report by Denmark to the Security Council Committee established pursuant to resolution 1718 (2006), submitted in accordance with paragraph 25 of Security Council resolution 2094 (2013)

Denmark and the other States members of the European Union have jointly implemented the additional restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 2087 (2013) and 2094 (2013) by taking the common measures set out below.[1]

Council Decision 2013/88/CFSP of 18 February 2013 concerning restrictive measures against the Democratic People's Republic of Korea,[2] amending Council Decision 2010/800/CFSP of 22 December 2010[3]

The Council Decision notes the adoption on 22 January 2013 of Security Council resolution 2087 (2013) and provides the basis for European Union-specific implementing measures within the scope of that resolution, notably:

- Designation of additional persons and entities (travel ban and assets freeze), in accordance with paragraph 5 (a) of Security Council resolution 2087 (2013).
- A prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology that could contribute to its nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, in accordance with paragraph 5 (b) of Security Council resolution 2087 (2013).
- An obligation to exercise vigilance and restraint regarding the entry into or transit through the territories of European Union member States with regard to individuals working on behalf or at the direction of a designated individual or entity, in accordance with paragraph 12 of Security Council resolution 2087 (2013).
- Inclusion of a provision concerning no claims in connection with the performance of any contract or transaction affected by the measures decided on pursuant to relevant Security Council resolutions or measures of the European Union or any member State in accordance with relevant decisions of the Security Council, in accordance with paragraph 13 of Security Council resolution 2087 (2013).

It is noted that certain provisions within the scope of Security Council resolution 2087 (2013) did not require new European Union measures for implementation, as the European Union had already taken similar measures on an autonomous basis at an earlier stage, in particular partially concerning paragraph 5 (a) and concerning paragraph 6 of Security Council resolution 2087 (2013). It is also noted that Council Decision 2013/88/CFSP includes additional European Union

[1] All common measures are published in the *Official Journal of the European Union*.
[2] *Official Journal of the European Union* L 46, 19 February 2013.
[3] *Official Journal of the European Union* L 341, 23 December 2010.

autonomous measures, in view of the European Union's deep concern about the violation by the Democratic People's Republic of Korea of international obligations.

With a view to ensuring a uniform application of these measures by economic operators in all member States, regulatory action at the level of the European Union has been taken in order to implement the measures of Council Decision 2013/88/CFSP falling under community competence.

The following measure of Council Decision 2013/88/CFSP falling within the scope of Security Council resolution 2087 (2013) is implemented by Commission Implementing Regulation (EU) No. 137/2013 of 18 February 2013,[2] amending Regulation (EC) No. 329/2007[4] concerning restrictive measures against the Democratic People's Republic of Korea:

- Designation of additional persons and entities, where it concerns the freezing of funds and economic resources.

The following measures of Council Decision 2013/88/CFSP falling within the scope of Security Council resolution 2087 (2013) are implemented by Council Regulation (EU) No. 296/2013 of 26 March 2013,[5] amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

- Prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology that could contribute to its nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, including related technical assistance and brokering services and financing or financial assistance.
- Inclusion of a provision concerning no claims in connection with the performance of any contract or transaction affected by the measures decided on pursuant to relevant Security Council resolutions or measures of the European Union or any member State in accordance with relevant decisions of the Security Council.

The above-mentioned Council regulations are binding in their entirety and directly applicable in all States members of the European Union. Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Denmark are set out in the following legislation:

- The Danish Criminal Code No. 1028 of 2013, with subsequent amendments. According to the Criminal Code, any person who intentionally contravenes any provisions or prohibitions that may have been provided by law for the fulfilment of the State's obligations as a Member of the United Nations shall be liable to a fine or to imprisonment for a term not exceeding four months or, in particularly aggravating circumstances, to imprisonment for a term not exceeding four years. An equivalent provision exists concerning the contravention of European Union sanctions. Where the contravention is committed through negligence, the penalty shall be a fine or imprisonment for a term not exceeding two years.

---

[4] *Official Journal of the European Union* L 88, 29 March 2007.

[5] *Official Journal of the European Union* L 90, 28 March 2013.

As regards restrictions on admission (visa ban), Denmark has the following national legislation, which, together with Council Decision 2013/183/CFSP and Regulation (EC) No. 539/2001,[6] provides the basis for refusal of admission and denial of requests for a visa:

- The Danish Aliens Act, under which the competent Danish authorities have the power to impose entry and transit restrictions on persons designated by the Security Council Committee established pursuant to resolution 1718 (2006). The necessary instructions will be issued immediately after the designation of such persons.

Council Decision 2013/183/CFSP of 22 April 2013 concerning restrictive measures against the Democratic People's Republic of Korea,[7] amending Council Decision 2010/800/CFSP of 22 December 2010

The Council Decision notes the adoption on 7 March 2013 of Security Council resolution 2094 (2013) and provides the basis for European Union-specific implementing measures within the scope of that resolution, notably:

- Designation of additional persons and entities (travel ban and assets freeze) and insertion of additional criteria for designation, in accordance with paragraphs 8, 9 and 10 of Security Council resolution 2094 (2013).
- A prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology that could contribute to its nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, or to activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the Decision or to the evasion of measures imposed by those Security Council resolutions or the Decision, in accordance with paragraphs 7, 20 and 22 of Security Council resolution 2094 (2013).
- A prohibition to provide financial support for trade with the Democratic People's Republic of Korea, including in relation to activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the Decision or to the evasion of measures imposed by those resolutions or the Decision, in accordance with paragraph 15 of Security Council resolution 2094 (2013).
- An obligation to prevent the provision of financial services including in relation to bulk cash and regarding activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the Decision or to the evasion of measures imposed by those Security Council resolutions or the Decision, in accordance with paragraphs 11 and 14 of Security Council resolution 2094 (2013).
- A prohibition on the opening of new branches, subsidiaries or representative offices of banks of the Democratic People's Republic of Korea in the territories of the States members of the European Union, the taking of an ownership interest in banks under the jurisdiction of member States, the

[6] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom of Great Britain and Northern Ireland.

[7] *Official Journal of the European Union* L 111, 23 April 2013.

establishment of correspondent banking relationships with banks under the jurisdiction of member States and the maintenance of correspondent banking relationships with banks under the jurisdiction of member States if member States have information that provides reasonable grounds to believe that this could contribute to the nuclear or ballistic missiles programmes or other activities of the Democratic People's Republic of Korea prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or by the Decision, or to the evasion of measures imposed by those Security Council resolutions or by the Decision, in accordance with paragraph 12 of Security Council resolution 2094 (2013).

- An obligation to inspect all cargo to and from the Democratic People's Republic of Korea in the territory of States members of the European Union, or transiting through their territory, or cargo brokered or facilitated by the Democratic People's Republic of Korea or its nationals, or persons or entities acting on their behalf, including at their airports and seaports, if the member States have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under the Decision, in accordance with paragraph 16 of Security Council resolution 2094 (2013).

- An obligation to deny entry into the ports of States members of the European Union of any vessel that has refused to allow an inspection after such an inspection has been authorized by the vessel's flag State, or if any Democratic People's Republic of Korea-flagged vessel has refused to be inspected pursuant to paragraph 12 of Security Council resolution 1874 (2009), in accordance with paragraph 17 of Security Council resolution 2094 (2013).

- An obligation to deny permission to land in, take off from or overfly the territory of States members of the European Union to any aircraft, if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under the Decision, in accordance with paragraph 18 of Security Council resolution 2094 (2013).

- An obligation to expel nationals of the Democratic People's Republic of Korea who States members of the European Union determine are working on behalf or at the direction of a person or entity listed in annex I or annex II to Security Council resolution 2094 (2013), or who they determine are assisting the evasion of sanctions or violating the provisions of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or of the Decision, from their territories for the purpose of repatriation to the Democratic People's Republic of Korea, consistent with applicable national and international law, in accordance with paragraph 10 of Security Council resolution 2094 (2013).

- An obligation to exercise enhanced vigilance over diplomatic personnel of the Democratic People's Republic of Korea so as to prevent such individuals from contributing to its nuclear or ballistic missile programmes, or other activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) or by the Decision, or to the evasion of measures

imposed by those Security Council resolutions or by the Decision, in accordance with paragraph 24 of Security Council resolution 2094 (2013).

It is noted that certain provisions within the scope of Security Council resolution 2094 (2013) did not require new European Union measures for implementation, as the European Union had already taken similar measures on an autonomous basis at an earlier stage, in particular concerning a number of specific elements pertaining to the measures mentioned above.

With a view to ensuring a uniform application of these measures by economic operators in all member States, regulatory action at the level of the European Union has been taken in order to implement the measures of Council Decision 2013/88/CFSP falling under community competence.

The following measure of Council Decision 2013/183/CFSP falling within the scope of Security Council resolution 2094 (2013) is implemented by Commission Implementing Regulation (EU) No. 370/2013 of 22 April 2013,[7] amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

- Designation of additional persons and entities, where it concerns the freezing of funds and economic resources.

The following measures of Council Decision 2013/183/CFSP falling within the scope of Security Council resolution 2094 (2013) are implemented by Council Regulation (EU) No. 696/2013 of 22 July 2013,[8] amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

- Insertion of additional criteria for designation, where it concerns the freezing of funds and economic resources.
- Prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology that could contribute to its nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, including related technical assistance and brokering services.
- Obligation to prevent the provision of financial services in relation to prohibited activities.
- Prohibition on the opening of new branches, subsidiaries or representative offices of banks of the Democratic People's Republic of Korea in the territories of the States members of the European Union, the taking of an ownership interest in banks under the jurisdiction of member States, the establishment of correspondent banking relationships with banks under the jurisdiction of member States and the maintenance of correspondent banking relationships with banks under the jurisdiction of member States if member States have information that provides reasonable grounds to believe that this could contribute to the nuclear or ballistic missiles programmes of the Democratic People's Republic of Korea.

[8] *Official Journal of the European Union* L 198, 23 July 2013.

- Obligation to inspect all cargo to and from the Democratic People's Republic of Korea in the territory of States members of the European Union, or transiting through their territory, or cargo brokered or facilitated by the Democratic People's Republic of Korea or its nationals, or persons or entities acting on their behalf, including at their airports and seaports.

- Obligation to deny entry into the ports of States members of the European Union to any vessel that has refused to allow an inspection after such an inspection has been authorized by the vessel's flag State, or if any Democratic People's Republic of Korea-flagged vessel has refused to be inspected pursuant to paragraph 12 of Security Council resolution 1874 (2009).

- Obligation to deny permission to land in, take off from or overfly the territory of States members of the European Union to any aircraft, if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under the Decision.

The above-mentioned Council regulations are binding in their entirety and directly applicable in all States members of the European Union. Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Denmark are set out in the Danish Criminal Code No. 1028 of 2013, with subsequent amendments. According to the Criminal Code, any person who intentionally contravenes any provisions or prohibitions that may have been provided by law for the fulfilment of the State's obligations as a Member of the United Nations shall be liable to a fine or to imprisonment for a term not exceeding four months or, in particularly aggravating circumstances, to imprisonment for a term not exceeding four years. An equivalent provision exists concerning the contravention of European Union sanctions. Where the contravention is committed through negligence, the penalty shall be a fine or imprisonment for a term not exceeding two years.

As regards restrictions on admission (visa ban), Denmark has the following national legislation, which, together with Council Decision 2013/183/CFSP and Regulation (EC) No. 539/2001, provides the basis for refusal of admission and denial of requests for a visa:

- The Danish Aliens Act, under which the competent Danish authorities have the power to impose entry and transit restrictions on persons designated by the Security Council Committee established pursuant to resolution 1718 (2006). The necessary instructions will be issued immediately after the designation of such persons.